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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,163	04/06/2001	Yunsen Wang	WANG3006/EM/6674	4392
7590 09/08/2004			EXAMINER	
BACON & THOMAS, PLLC 625 Slaters Lane, 4th Floor Alexandria, VA 22314-1176			ZHONG, CHAD	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/827,163

Applicant(s)

WANG, YUNSEN

Examiner

Chad Zhong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-12 are presented for examination.
2. It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

3. The disclosure is objected to because of the following informalities:
Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;

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(3) if a chemical compound, its identity and use;

(4) if a mixture, its ingredients;

(5) if a process, the steps.

Further, applicant's abstract is beyond 150 words in length, appropriate correction is required.

4. The disclosure is objected to under 37 CFR 1.71, as being so incomprehensible as to preclude a reasonable search of the prior art by the examiner. For example, the following items are not understood:

Entire specification and its accompanying drawings, the drawings lacks direction/flow/numbering and would require extraordinary efforts for the ordinary skilled in the art to match up with the specification. Appropriate amendment to specification/drawings and claims are required to provide a detailed walk through by allowing the ordinary skilled in the art to comprehend without ambiguity by following the drawings, specification and the claims.

Applicant is required to submit an amendment which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

5. A preliminary examination of this application reveals that it includes terminology which is so different from that which is generally accepted in the art to which this invention pertains that a proper search of the prior art cannot be made. For example:

DGP (Directory Gateway Protocol) is commonly known as DGP or Dissimilar Gateway Protocol, the specification fails to point out explicitly the function of DGP pertaining to the invention in its entirety, as discussed in item 4 of this Office Action, appropriate changes are required for the person ordinary in the art to comprehend.

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Applicant is required to provide a clarification of these matters or correlation with art-accepted terminology so that a proper comparison with the prior art can be made. Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

6. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of US filed applications in the specification should also be updated where appropriate.

7. The specification is objected to because of the following: current US patent policy does not permit the use of hyperlinks in the specification. Such links are directed to an Internet site, the contents of which are subject to change without notice. Therefore, the potential for inclusion of new matter would be a constant problem. See page 10, for example. Appropriate correction is required for the Specification in its entirety.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

9. Claims 1, 2, 4, 6, 7, 9, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Aziz, US 2003/0154279.

10. As per claim 1, Aziz teaches a network system for management of hierarchical service

and content distribution via directory enabled network, comprising:

at least one level 4 service manager responsible for management of multiple content delivery networks ([0043]; [0085]; [0084]; [0138]; [0260]);

at least one level 3 service manager responsible for management of one of the content delivery networks having multiple data centers ([0043]; [0085]);

at least one level 2 service manager responsible for management of one of the data centers having multiple server farms or service engine farms ([0025]); and

at least one level 1 service manager for establishing a directory information routing protocol with the at least one level 2 service manager ([0025], mapping correlate storage).

11. As per claim 2, Aziz teaches the network system of claim 1, wherein each server of the server farm is connected by LAN Ethernet Switch Network that supports a layer 2 multicast operations (table 8b; [0089]).

12. As per claim 4, Aziz teaches the network system of claim 1, wherein data passing through the data center can go through an IPSEC tunnel to guarantee privacy and security, so as to even form a VPN among the data centers ([0259]).

13. As per claim 6, claim 6 is rejected for the same reasons as rejection to combination of claims 1 and 2 above.

14. As per claim 7, claim 7 is rejected for the same reasons as rejection to claim 2 above.

15. As per claim 9, claim 9 is rejected for the same reasons as rejection to claim 4 above.

16. As per claim 11, claims 11 is rejected for the same reasons as rejection to claim 1 above.

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17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 3, 5, 8, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz, US 2003/0154279, in view of 'Official Notice'.

19. As per claim 3, Aziz does not teach the network system of claim 1, wherein each server of the server farm is connected by the Infiniband switch. "Official Notice" is taken that the concept and advantages of providing for Infiniband switch is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include Infiniband switch with Aziz because it would provide for more efficient network access speed.

20. As per claim 5, Aziz teaches the invention substantially as claimed the network system of claim 1, wherein the at least one level 1 service manager is managed to establish a protocol connection with at least one of the at least one level 2 service manager, the at least one level 2 service manager is managed to establish a protocol connection with at least one of the at least one level 3 service manager, the at least one level 3 service manager is managed to run as a DNS ([0253]) server, which directs a user's request to a different data center as a geographical load balancing ([0089]), and the service manager of the origin at server farm is also managed to establish a protocol connection with the parent service manager thereof ([0188]).

21. Aziz does not explicitly teaches directory gateway protocol, "Official Notice" is taken that the concept and advantages of providing directory gateway protocol is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include directory gateway protocol with Aziz because Aziz's system support various other protocols such

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as tcp, http etc.

- 22. As per claim 8, claim 8 is rejected for the same reasons are rejection to claim 3 above.
- 23. As per claim 10, claim 10 is rejected for the same reasons as rejection to claim 5 above.
- 24. As per claim 12, claim 12 is rejected for the same reasons as rejection to claim 5 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (703) 305-0718. The examiner can normally be reached on M-F 7am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 703-305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CZ
August 17, 2004



Dung C. Dinh
Primary Examiner